

Attorney Docket No.: DEX-0142  
Inventors: Macina et al.  
Serial No.: 09/802,674  
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#### REMARKS

Claims 1-10 are pending in the instant application. The Examiner has subjected these claims to a Restriction Requirement as follows:

Groups I and II, claims 1-5 and 7, drawn to a method for diagnosing the presence and metastases of gastrointestinal cancer comprising comparing GSG levels, wherein the GSG comprising SEQ ID NO: 1 or 3, respectively, classified in class 424, subclass 9.1;

Groups III and IV, claims 1-5 and 7, drawn to a method for diagnosing the presence and metastases of gastrointestinal cancer comprising comparing GSG levels, wherein the GSG comprises a polypeptide encoded by SEQ DI NO: 1 or 3, respectively, classified in class 435, subclass 7.21;

Groups V and VI, claims 6 and 7, drawn to a method of identifying potential therapeutic agents wherein said agent binds to a GSG comprising SEQ ID NO: 1 or 3, respectively, classified in class 435, subclass 6;

Groups VII and VIII, claims 6 and 7, drawn to a method of identifying potential therapeutic agents wherein said agent binds to a GSG comprising a polypeptide encoded by SEQ ID NO: 1 or 3, respectively, classified in class 435, subclass 7.1;

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Groups IX and X, claims 8 and 9, drawn to a method of imaging gastrointestinal cancer comprising administering an antibody raised against a GSG comprising a polypeptide encoded by SEQ ID NO: 1 or 3, classified in class 424, subclass 130.1;

Groups XI and XII, claim 10, drawn to a method of treating gastrointestinal cancer comprising administering an agent which upregulates GSG, wherein the GSG comprises SEQ ID NO: 1 or 3, respectively, classified class 530, subclass 387.1; and

Groups XIII and XIV, claim 10, drawn to a method of treating gastrointestinal cancer comprising administering an agent which upregulates GSG, wherein the GSG comprises a polypeptide encoded by SEQ ID NO: 1 or 3, respectively, classified in class 530, subclass 387.1.

The Examiner suggests that the Groups are distinct, each from the other. Specifically, with respect to Groups I-XIV, the Examiner suggest that the method differ in objective, steps and parameters and in the reagents used. Further, the Examiner suggests that SEQ ID NO:1 and SEQ ID NO:3 are structurally unrelated and encode different products which are structurally and functionally distinct.

Applicants respectfully traverse this restriction requirement.

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At the outset, Applicants respectfully disagree with the Examiner's suggestion that SEQ ID NO:1 and SEQ ID NO:3 are separate inventions because they are structurally unrelated and encode products which are structurally and functionally distinct. As shown in the instant specification, both SEQ ID NO:1 and SEQ ID NO:3 are GSGs useful in the diagnosis of gastrointestinal ~~cancer.~~ This disclosure of relationship between the sequences clearly meets the requirements for species as set forth in MPEP 806.04(b).

Further, MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A proper search of the prior art relating to the either of the GSG polynucleotides of Group I or II should also reveal art relating to polypeptides encoded thereby as well as additional uses thereof as set forth in the claims of Groups III-XIV. Thus, it does not appear that a serious burden would be placed upon the Examiner if restriction were not made.

Accordingly, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, it is

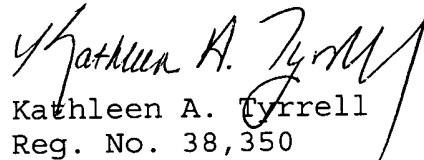
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respectfully requested that this Restriction Requirement be withdrawn.

However, in an earnest effort to be completely responsive, Applicants elect to prosecute Group II, claims 1-5 and 7 wherein the GSG comprises SEQ ID NO:3, with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Restriction Requirement of record.

Respectfully submitted,

  
Kathleen A. Tyrrell  
Reg. No. 38,350

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LICATA & TYRRELL P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515